

**SLEEPING CHILD FARMS
FIVE-LOT FIRST MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Renee Lemon *RL*

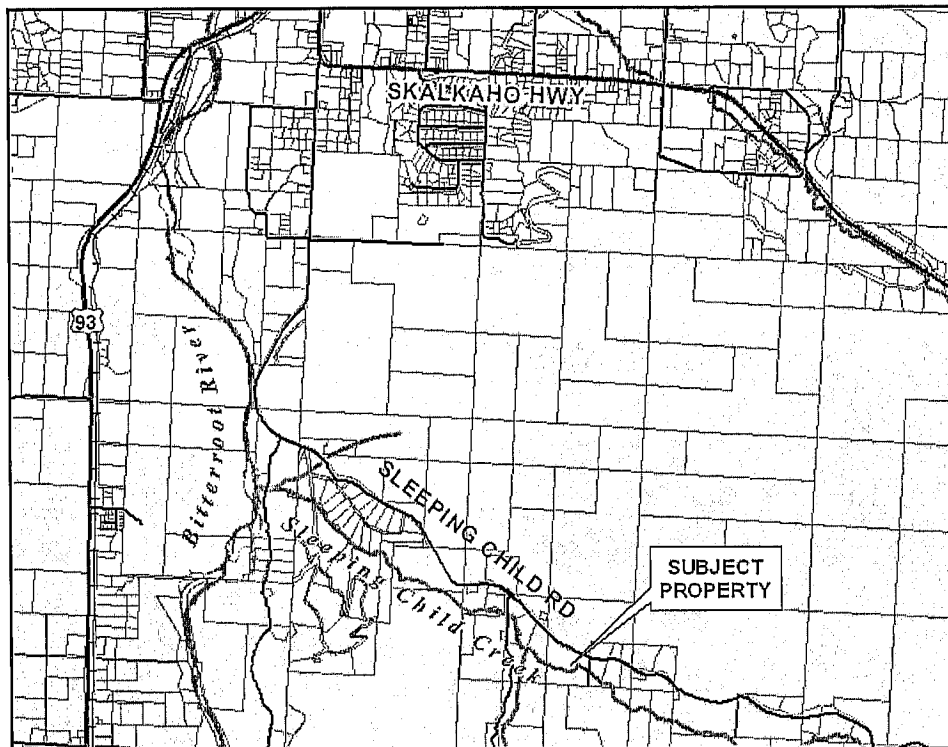
**REVIEWED/
APPROVED BY:** John Lavey *JL*

PUBLIC MEETINGS: Planning Board Public Meeting: March 5, 2008
BCC Public Meeting: 9:00 a.m. March 18, 2008
Deadline for BCC action (35 working days): April 7, 2008

SUBDIVIDER: Terry "Max" and Darla Coleman
1641 Sleeping Child Road
Hamilton, MT 59840

REPRESENTATIVE: Chris Cobb-Taggart
Professional Consultants, Inc. (PCI)
1713 N. 1st Street
Hamilton, MT 59840

LOCATION OF REQUEST: The property is located southeast of Hamilton off Sleeping Child Road. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

A portion of the W2NE4 of Section 32, T5N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined sufficient on February 15, 2008. Agencies were notified of the subdivision on April 17, 2007 and February 15, 2008. Comments received from agencies are Exhibits A-1 through A-14 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by regular mail dated February 15, 2008. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property:	Low Density Residential
North:	Low Density Residential
South:	Low Density Residential
East:	Low Density Residential
West:	Low Density Residential

INTRODUCTION

The applicants are proposing a commercial vineyard operation on Lot 1, in addition to their existing residence. Lots 2 through 5 are proposed for single family residential homes. Sleeping Child Creek, its associated floodplain, riparian areas, and wetlands traverse the property. The protection of the floodplain, riparian areas, and wetlands are integral to protecting the natural environment, wildlife habitat, and public health and safety. The applicants and applicants' consultants have worked with the Planning Department, the Floodplain Administrator, the Department of Natural Resources and Conservation (DRNC), and Montana Fish Wildlife and Parks (FWP) to determine the best way to protect these sensitive areas. The applicants are recommending two restrictive zones, with one zone for the floodplain and one zone for the riparian/wetland areas. Each zone has a separate set of restrictions and allowed uses that are proposed in the covenants.

PLANNING STAFF RECOMMENDED MOTION

That the Sleeping Child Farms Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.

PLANNING STAFF RECOMMENDED CONDITIONS

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

Notification of Irrigation Facilities and Easement. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

Notification of the Pond on Lot 2. There is an abandoned gravel pit that has turned into a pond on Lot 2. There are no water rights associated with the pond. In order to use water from the pond, water rights must be obtained through the Department of Natural Resources and Conservation. Stocking the pond with fish would require a permit from Montana Fish Wildlife and Parks. Using gravel from the pit may require an Opencut Mining Permit from the Department of Environmental Quality. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities*)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Sleeping Child Road frontage of the subdivision, excepting the approaches for the existing driveway to the residence on Lot 1 and Vineyard View, as approved by the Ravalli County Road and Bridge Department. There is also a no-ingress/egress restriction along the private driveway leading to Lot 5 so that only Lot 5 can access from this driveway. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

Notification of Road Maintenance Agreement. The internal subdivision road is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

Notification of Proximity to Sleeping Child Creek. This subdivision is located in close proximity to Sleeping Child Creek. There is an inherent hazard associated with creeks, due to

potential soil erosion, flooding and movement of the stream channel. The modeled floodplain boundary on the final plat is an estimate and does not account for potential debris, ice jams, changes in the hydrology of the watershed, and/or poorly maintained culverts. While portions of the internal subdivision road and driveways were constructed to be 2.00 feet above the base flood elevation of 3,669 feet, there is no guarantee that the internal road and/or driveways will not be overtopped during a flood event. There is no alternate access for Lots 3, 4, and 5. It is recommended that property owners of this subdivision obtain flood insurance and that the lowest enclosed floor (including mechanical/utility equipment) of all structures and utilities be located a minimum of 3.0 feet above the base flood elevation of 3,669 feet. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified by the Natural Resources Conservation Service (NRCS) as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat. Descriptions of the severe soils in question are included as exhibits to this document [the subdivider shall include the exhibits as attachments]. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

Notification of Steep Slopes. Within this subdivision there are no-build/alteration zones, as shown on the plat, to restrict building in areas with steep slopes. No new structure, with the exception of fences, may be constructed in these areas. (*Effects on Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.

- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. *To keep wildlife such as bears out of gardens and/or away from fruit trees and shrubs, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)*
- c. **Garbage** should be stored in secure bear-resistant containers or indoors to avoid attracting and discourage entry by wildlife such as bears and raccoon. If stored indoors, do not set garbage cans out until the morning of garbage pickup and bring them in no later than that evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.
- e. **Birdseed in bird feeders** attracts bears. If used, bird feeders must: 1) be suspended a minimum of 15 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent, outdoor barbecues grills should not be used in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

Control of Noxious Weeds. A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The All Valley Fire Council has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council has adopted the Fire Protection Standards. All access roads, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm*

Homes webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Wastewater Treatment Facilities Setback. The Ravalli County Subsurface Wastewater Treatment and Disposal Regulations require that wastewater facilities are located 100 feet from the modeled floodplain of Sleeping Child Creek. The 100-foot setback is shown on the final plat. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)
4. The subdividers shall provide evidence with the final plat submittal that they have applied for a County-issued address for the new lots. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the subdividers shall provide a letter from the Hamilton Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection of each lot. Alternatively, the subdividers may provide evidence that \$500 per lot for Lots 2 through 5 has been contributed to the Hamilton Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Hamilton Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire Department for further information". (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
7. The subdividers shall submit a letter or receipt from the Hamilton School District stating that they have received an amount (to be determined at the Commissioner meeting) per lot for Lots 2 through 5 prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)

8. The subdividers shall submit an amount (to be determined at the Commissioner meeting) per lot for Lots 2 through 5 to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)
9. No-ingress/egress zones shall be placed on the final plat along the Sleeping Child Road frontage of the subdivision, excepting the approach to Vineyard View and the existing driveway to Lot 1, and along the private driveway to only allow access to Lot 5. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)
10. The 100-foot wastewater treatment facility setback shall be prominently shown on the final plat with a label in large, bold font. Also, the setback shall be shown on the map approved by DEQ. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety*)
11. The Floodplain Inundation Restrictive Zone (FIRZ), and the Riparian Restrictive Buffer Zone (RRBZ), as shown on the preliminary plat, shall be shown on the final plat. The provisions for the Restrictive Zones on Pages 6 through 9 of the proposed covenants shall be filed with the final plat, with the following modification:

The first bullet under the FIRZ restrictions shall state: "No new structures or alterations, which includes the planting of lawns and removal of native vegetation that is not related to agricultural use, shall be allowed in the FIRZ, except for the following..." (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture, Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety*)
12. If the applicants use the borrow pit for road construction, the applicants shall submit a copy of the Opencut Mining Permit from DEQ or an explanation as to why the permit was not required. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety*)
13. The post construction road plans shall show that the portions of Vineyard View and the driveways leading to Lots 3, 4, and 5 have been constructed a minimum of 2.00 feet above the base flood elevation of 3,669.00 feet. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)
14. The applicants shall submit the appropriate permit for the relocation of the drainfield for the guest house on Lot 1 prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment and Public Health and Safety*)
15. Prior to final plat approval, the applicants shall work with the Hamilton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed on the Sleeping Child Road frontage of the property. The applicants shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicants shall complete the improvements prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)

FINAL PLAT REQUIREMENTS (Ravalli County Subdivision Regulations Section 3-4-4(a))

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) shall be submitted prior to final plat approval. The final

plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:

- a) Project name
 - b) Title block
 - c) Certificate of registered owner – notarized
 - d) Certificate of registered land surveyor with seal
 - e) Certificate of governing body approval
 - f) Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g) Certificate of public dedication
 - h) Other certifications as appropriate
 - i) North arrow
 - j) Graphic scale
 - k) Legal description
 - l) Property boundaries (bearings, lengths, curve data)
 - m) Pertinent section corners and subdivision corners
 - n) Names of adjoining subdivisions/certificates of survey
 - o) Monuments found
 - p) Witness monuments
 - q) Acreage of subject parcel
 - r) Curve data (radius, arc length, notation of non-tangent curves)
 - s) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - t) Lots and blocks designated by number (dimensions/acreage)
 - u) Easements/rights of ways (location, width, purpose, ownership), which includes existing/proposed utility easements, existing/proposed irrigation easements as shown on the preliminary plat, a 60-foot wide public road and utility easement for Vineyard View, and a 30-foot wide private driveway and public utility easement for the access leading across Lot 4 to Lot 5
 - v) Dedication for public use (boundaries, area, purpose)
 - w) The FIRZ and RRBZ zones, as proposed on the preliminary plat, shall be shown on the final plat
 - x) No-ingress/egress zones along the Sleeping Child Road frontage of the subdivision and along the private driveway so that access is only allowed to Lot 5
 - y) Water resources (rivers, ponds, etc.)
 - z) Floodplains
 - aa) Irrigation canals including diversion point(s), etc.
 - bb) High-pressure gas lines
 - cc) Existing and new roads (names, ownership, etc.)
 - dd) The 100-foot wastewater facility setback from the modeled floodplain of Sleeping Child Creek. The setback line shall be prominent and clearly labeled in large, bold font.
 - ee) Building envelopes, as proposed by the applicants on the preliminary plat, shall be shown on the final plat.
 - ff) No-build/alteration zones on slopes greater than 25%, as proposed on the preliminary plat, shall be shown on the final plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
 4. Any variance decisions shall be submitted with the final plat submittal.
 5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
 6. The final plat review fee shall be submitted with the final plat submittal.

7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. Road and driveway approach and encroachment permits shall be submitted with the final plat submittal.
13. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
14. Engineering plans for the bridge shall be submitted with the final plat submittal.
15. Final Road Plans and Grading and Storm Water Drainage Plan shall be submitted with the final plat submittal.
16. Road certification(s) shall be submitted with the final plat submittal.
17. Utility availability certification(s) shall be submitted with the final plat submittal.
18. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
19. A signed and notarized master irrigation plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property shall be submitted with the final plat submittal.
20. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch shall be submitted with the final plat submittal.
21. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
22. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
23. A copy of the letter sent to the appropriate school district(s) stating the applicants have made or are not willing to make a voluntary contribution to the school district to mitigate impacts of

the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.

24. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.) Following are the improvements specific to this subdivision:
 - a) Construction of the internal road
 - b) Construction of the bridge over Sleeping Child Creek
 - c) Installation of stop sign and road name sign at the intersection of the internal subdivision road with Sleeping Child Road
 - d) Construction of a bus shelter and/or turnout land, if necessary
25. The applicants shall pay the pro rata share of the cost to improve the portion of Sleeping Child Road leading to the subdivision prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utilities are located within the public road and utility easement for Sleeping Child Road, and along the private driveway that is located east of the subject property. There is also an existing 20-foot wide easement granted to the Ravalli County Electric Cooperative for an overhead power line on Lot 1. (Sleeping Child Farms Subdivision Application and Document 499815)
2. Utility easements are proposed within the easements for Vineyard View and the private driveway accessing Lot 5. (Sleeping Child Farms Subdivision Application)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

The subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The property is proposed to be accessed via US Highway 93, Skalkaho Highway, Sleeping Child Road, and the internal subdivision road, Vineyard View. (Map 1)
2. US Highway 93 and Skalkaho Highway are State-maintained highways that provide legal and physical access.
3. Sleeping Child Road is a State highway that is maintained by the County. (RCSR)
4. The applicants are required to pay the pro rata share of the cost to improve the portion of Sleeping Child Road leading to the subdivision. (Section 5-4-5(d), RCSR)
5. The applicants are proposing to construct the internal road to meet County standards and are proposing a 60-foot wide public road and utility easement. (Sleeping Child Farms Subdivision Application)
6. Lot 5 will be accessed via a private driveway across Lot 4. At the Planning Board Meeting on March 5, 2008, the applicants' representative stated that they would provide for a 30-foot wide driveway easement on the final plat. (Sleeping Child Farms Subdivision Application and Planning Board Meeting Minutes)
7. *To ensure physical access to the subdivision, the applicants shall meet the following requirements:*
 - *The applicants are required to pay the pro rata share of the cost to improve the portion of Sleeping Child Road leading to the subdivision prior to final plat approval. (Final Plat Requirement 25)*
 - *The applicants are required to construct Vineyard View to meet County standards and obtain final approval from the Road Department. (Final Plat Requirements 15 and 16)*
 - *The applicants are required to provide for the 60-foot wide public road and utility easement on the final plat, as proposed on the preliminary plat. (Final Plat Requirement 2)*
 - *The applicants are required to provide for the 30-foot wide driveway easement to Lot 5, as proposed at the Planning Board Meeting (Final Plat Requirement 2)*

Conclusion of Law

With the requirements of final plat approval, legal and physical access will be provided to the subdivision.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The applicants are required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers prior to final plat approval (Final Plat Requirement 26):

- Construction of the internal road
- Construction of the bridge over Sleeping Child Creek
- Installation of stop sign and road name sign at the intersection of the internal subdivision road with Sleeping Child Road
- Construction of a bus shelter and/or turnout land, if necessary

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
 - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. There are water rights associated with this property. The applicants are proposing to divide the water rights among the lots. (Sleeping Child Farms Subdivision Application)
3. The average lot size for this proposal is approximately 6.78 acres. (Sleeping Child Farms Subdivision Application)

Conclusion of Law

The provisions in 76-3-504(1)(j), MCA, do not apply because the average lot size is greater than 5 acres.

E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
 - (A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
 - (B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There is not an irrigation district or water commissioner associated with the water rights for this property. (Sleeping Child Farms Subdivision Application)
3. The Wallen Tullack Ditch traverses the proposed internal subdivision road, Vineyard View, and Lot 1. There are downstream users. The applicants are proposing a 10-foot wide easement centered on the ditch. (Sleeping Child Farms Master Irrigation Plan)
4. There is an existing pumphouse on Lot 1 that will pump water from Sleeping Child Creek to all the lots within the subdivision. The applicants are proposing an additional 10 feet of easement along Vineyard View and the private driveway to Lot 5 for irrigation purposes. (Sleeping Child Farms Master Irrigation Plan)
5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and condition shall be met prior to final plat approval:*
 - *The existing and proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

This prerequisite will be met through the requirements and conditions of final plat approval.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Finding of Fact

Parkland dedication is not required for lots larger than 5.00 acres. (Section 6-1-5(b)(2), RCSR)

Conclusion of Law

This requirement is not applicable.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Sleeping Child Farms Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Sleeping Child Farms Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Sleeping Child Farms Subdivision Application)

Conclusion of Law

This proposal complies with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants on the property. (Sleeping Child Farms Subdivision Application)

Conclusion of Law

There are no applicable covenants and/or deed restrictions.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The applicants are proposing to continue vineyard development on Lot 1. Other portions of the property have been used for hay production. (Sleeping Child Farms Subdivision Application)
2. Parcels to the west and southwest of the subject property are classified for tax purposes as agricultural rural and farmstead rural. Other adjacent parcels to the north, south, and east are classified as residential rural (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. The soil survey for this property has not been updated. (Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
4. The Soil Survey for the Bitterroot Valley Area, Montana, dated 1959, shows that map units B2x, B2r, Gd, Af, B2n, Gh, and B2l are located on the property. (Sleeping Child Farms Subdivision Application)
5. The map unit Af is classified as Farmland of Statewide Importance. The map unit Gd is classified as Prime Farmland if Irrigated. From the Bitterroot Soils Survey in the application, it appears that over half of the property has soils classified as either Farmland of Statewide Importance or Prime Farmland if Irrigated. (Partial Soil Survey Geographic (SSURGO) Database for Bitterroot Valley Area, NRCS and Sleeping Child Farms Subdivision Application)
6. The applicants submitted an exhibit at the Planning Board Meeting that shows the extent of the soil map unit Gd that is located on the property. The applicants are proposing restrictions on approximately half of this soil type to mitigate impacts on agriculture. The portion of the Floodplain Inundation Restrictive Zone outside of the Riparian Restrictive Buffer Zone restricts structures or alterations that are not related to agriculture. (Exhibit B and Sleeping Child Farms Subdivision Application)
7. The small portion of soil map unit Af, which is listed as Farmland of Statewide Importance, is also located within the restrictive zones on the property. (Staff Determination)
8. Agricultural uses will be allowed outside of the Riparian Restrictive Buffer Zone. (*Effects on Natural Environment*)
9. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Canada Thistle, Common Tansy, Houndstongue, and Spotted Knapweed were located on the property. (Sleeping Child Farms Subdivision Application)
10. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
11. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
 - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
 - *The restrictive zones (Floodplain Inundation Restrictive Zone and the Riparian Restrictive Buffer Zone) shall be shown on the final plat, as shown on the preliminary plat. The proposed*

covenants for the restrictive zones shall be filed with the final plat, with an amendment as noted in Condition 11. (Condition 11)

Conclusions of Law:

1. This proposal allows for the continued agricultural use of all lots.
2. The design of the restrictive zones encourages agriculture on prime agricultural soils.
3. With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. There is one water right for 336.6 gpm associated with this property (76H 20025 00). The source is Sleeping Child Creek. There is not an irrigation district, association, or provider related with the water right. (Sleeping Child Farms Subdivision Application)
2. Currently the property is provided water by the Wallen Tullack Ditch and directly from Sleeping Child Creek via an existing pumphouse. (Sleeping Child Farms Subdivision Application)
3. The applicants are proposing to divide the water rights among all of the lots within the subdivision. The applicants are proposing an irrigation agreement that outlines the division of water rights. (Sleeping Child Farms Subdivision Application)
4. The Wallen Tullack Ditch traverses the proposed internal subdivision road, Vineyard View, and Lot 1. There are downstream users. The applicants are proposing a 10-foot wide easement on the ditch. The ditch will be relocated under Vineyard View. (Sleeping Child Farms Master Irrigation Plan)
5. There is an existing pumphouse on Lot 1 that will pump water from Sleeping Child Creek to Lots 1, 2, 3, 4, and 5. The applicants are proposing an additional 10 feet of easement along Vineyard View and the private driveway to Lot 5 for irrigation purposes. (Sleeping Child Farms Master Irrigation Plan)
6. There is an abandoned borrow pit that has turned into a pond located on Lot 2. There is not an existing water right for the pond. (Sleeping Child Farms Subdivision Application)
7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agricultural water user facilities:*
 - *The applicants shall submit a master irrigation plan, which includes a diagram of existing and proposed irrigation infrastructure/easements either on the final plat or in a separate document, and the irrigation agreement, with the final plat application. (Final Plat Requirement 19)*
 - *The existing and proposed irrigation easements are required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - *A notification that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*
 - *A notification that there are no water rights associated with the pond shall be included in the Notifications Document. (Condition 1)*
 - *The applicants will be required to submit a notarized statement from each downstream water user specifically authorizing the alteration to the Wallen Tullack Ditch prior to final plat approval. (Final Plat Requirement 20)*

Conclusion of Law

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agricultural water user facilities.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the jurisdiction of the Hamilton Rural Fire Department. (Sleeping Child Farms Subdivision Application)
2. The All Valley Fire Council, which includes the Hamilton Rural Fire Department, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire Department) that address access, posting of addresses, and water supply requirements. (Exhibit A-1)
3. The Hamilton Rural Fire District stated that they would find no negative effects to the provision of adequate fire service protection to the subdivision if all buildings are built to IRBC code and all roads within the subdivision are constructed to County standards without any variances. (Exhibit A-2)
4. *The following conditions will mitigate impacts of the subdivision on the Hamilton Rural Fire Department:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Hamilton Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection of each lot. Alternatively, the subdividers may provide evidence that \$500 per lot for Lots 2 through 5 has been contributed to the Hamilton Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Hamilton Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire Department for further information". (Condition 6)*

School District

5. The proposed subdivision is located within the Hamilton School District. (Sleeping Child Farms Subdivision Application)
6. It is estimated that 2 school-aged children will be added to the Hamilton School District, assuming an average of 0.5 children per household. (Census 2000)
7. The applicants are proposing to mitigate the impacts of the subdivision on the School District through a voluntary contribution of \$250 per lot for the new lots, for a total of \$1,000 (Sleeping Child Farms Subdivision Application)
8. Notification letters were sent to the Hamilton School District requesting comments on April 17, 2007 and February 15, 2008, but no comments have been received from the School District. (Sleeping Child Farms Subdivision File)
9. The cost per pupil for one year in the Hamilton School District, excluding capital costs, is \$6,619. Taxes from new residents are not immediately available to the school districts. (Exhibit A-3)
10. The Ravalli County Educational Transportation Committee has requested that the BCC require that developers establish a bus shelter and a turnout land or turnaround, as appropriate, at subdivision entrances to County-maintained roads. (Exhibit A-14)

11. *To mitigate the impacts of the subdivision on the School District, the following conditions shall be met:*
- *Staff recommends that the applicants negotiate a contribution with the BCC, in consultation with the Hamilton School District, if possible. (Condition 7 and Final Plat Requirement 23)*
 - *Prior to final plat approval, the applicants shall work with the Hamilton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed on the Sleeping Child Road frontage of the property. The applicants shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicants shall complete the improvements prior to final plat approval. (Condition 15)*

Water and Wastewater Districts

12. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Sleeping Child Farms Subdivision Application)

Law Enforcement and County Emergency Services (Sheriff, E-911, DES)

13. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Sleeping Child Farms Subdivision Application)
14. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on April 17, 2007 and February 15, 2008, but no comments have been received from the Sheriff's Office. (Sleeping Child Farms Subdivision File)
15. The average number of people per household in Ravalli County is 2.5. (Census 2000)
16. The applicants have not proposed any mitigation for the impacts of the additional 10 people on Public Safety Services prior to taxes being collected for the additional households. (Sleeping Child Farms Subdivision Application)
17. *To mitigate impacts on Ravalli County Public Safety Services, the subdividers shall submit an amount (to be determined at the Commissioner meeting) per lot for Lots 2 through 5 to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

Ambulance Services

18. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Dept. Marcus Daly was contacted on April 17, 2007 and February 15, 2008, but no comments have been received to date. (Sleeping Child Farms Subdivision File)
19. *To mitigate impacts on emergency services, the subdividers shall provide evidence with the final plat submittal that they have applied for County-issued addresses for the new lots. (Condition 4)*

Solid Waste Services

20. Bitterroot Disposal provides solid waste service to this site.
21. Notification letters were sent to Bitterroot Disposal requesting comments on April 17, 2007 and February 15, 2008, but no comments have been received. (Sleeping Child Farms Subdivision File)

Utilities

22. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. (Sleeping Child Farms Subdivision Application)
23. Notification letters were sent to both utility companies requesting comments on April 17, 2007 and February 15, 2008, but no comments have been received by either company. (Sleeping Child Farms Subdivision File)

24. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicants shall submit utility availability certifications from Ravalli Electric Cooperative and Qwest Communications prior to final plat approval. (Final Plat Requirement 17)*

Roads - Offsite

25. It is estimated that this subdivision will generate an additional 49 vehicular trips per day. (Sleeping Child Farms Subdivision Application)
26. Skalkaho Highway, Sleeping Child Road, and the proposed internal subdivision road, Vineyard View, will provide access to the subdivision from US Highway 93. (Sleeping Child Farms Subdivision Application)
27. US Highway 93 and Skalkaho Highway are State-maintained roads.
28. Sleeping Child Road is a State highway that is maintained by the County. (RCSR)
29. The applicants are required to pay the pro rata share of the cost to improve the portion of Sleeping Child Road leading to the subdivision. (Section 5-4-5(d), RCSR)
30. The pro rata share is estimated at \$13,270.00. (Sleeping Child Farms Subdivision File)
31. There is an existing home on Lot 1 that will continue to access off the existing approach to Sleeping Child Road. The applicants are proposing a new approach for the internal subdivision road, Vineyard View. The applicants submitted a preliminary approach permit from the Road and Bridge Department. (Sleeping Child Farms Subdivision Application)
32. The applicants are proposing a stop sign at the intersection of Vineyard View with Sleeping Child Creek Road. (Sleeping Child Farms Subdivision Application)
33. The applicants are required to install a road name sign at the intersection Vineyard View with Sleeping Child Creek Road.
34. *To mitigate impacts on the off-site roads leading to the subdivision, the following conditions and requirements shall be met:*
- *The applicants shall pay the pro rata share of the cost to improve the portion of Sleeping Child Road leading to the subdivision to meet County standards prior to final plat approval. (Final Plat Requirement 25)*
 - *A final approach permit from the Ravalli County Road and Bridge Department for the approach to Vineyard View shall be submitted with the final submittal. (Final Plat Requirement 12)*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
 - *The final plat shall show a no-ingress/egress zone along the Sleeping Child Road frontage of the subdivision, excluding any approaches approved by the Road Department. A no-ingress/egress zone shall also be placed along the private driveway to only allow access to Lot 5. A notification of the no-ingress/egress zones shall be included in the notifications document. (Conditions 1 and 9, and Final Plat Requirement 2)*
 - *The applicants are required to install a stop sign and road name sign at the intersection of Vineyard View and Sleeping Child Creek Road prior to final plat approval. (Final Plat Requirement 24)*

Internal Subdivision Road – Vineyard View

35. The applicants are proposing to construct Vineyard View to meet County standards. The proposal includes a bridge over Sleeping Child Creek. The applicants have received preliminary approval from the Road Department. (Sleeping Child Farms Subdivision Application) (Exhibit A-4)

36. The applicants are proposing a 60-foot wide public road and utility easement for Vineyard View and a 30-foot wide private driveway and public utility easement across Lot 4. (Sleeping Child Farms Subdivision Application)
37. Lots 2 through 4 will access off Vineyard View. Lot 5 will access off the private driveway across Lot 4. (Sleeping Child Farms Subdivision Application)
38. The applicants have submitted a preliminary road maintenance agreement for Vineyard View. (Sleeping Child Farms Subdivision Application)
39. To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:
 - *The applicants are required to submit a copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ prior to final plat approval. (Final Plat Requirement 10)*
 - *The applicants are required to submit final road plans for the internal subdivision road and the bridge, and approval from the Road Department. (Final Plat Requirements 14, 15, and 16)*
 - *The applicants are required to submit a final road maintenance agreement, signed and notarized, with the final plat submittal. (Final Plat Requirement 18)*
 - *Notification of the road maintenance agreement shall be included in the Notifications Document. (Condition 1)*
 - *The applicants are required to provide for the 60-foot wide public road and utility easement on the final plat, as proposed on the preliminary plat. (Final Plat Requirement 2)*
 - *The applicants are required to submit evidence of a Ravalli County-approved road name petition for Vineyard View with the final plat submittal. (Final Plat Requirement 13)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on local services.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. In an email dated January 10, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. Sources of particulate from this subdivision could be vehicles and/or wood-burning stoves. There are no gravel roads accessing the subdivision. (Exhibit A-5)
2. *To mitigate impacts on air quality, a recommendation for EPA-certified wood stoves shall be included in the covenants. (Condition 2)*

Ground Water Quality

3. Currently, a residence, guest house, and dining hall exist on Lot 1. These building have septic permits. There are two cabins, a chicken coop, and a pole barn without water or wastewater treatment facilities. (Sleeping Child Farms Subdivision Application)
4. A septic permit (7519-R) was granted for the residence in 1998. (Sleeping Child Farms Subdivision Application)
5. A septic permit (10473) was granted for the dining hall in 2000. (Sleeping Child Farms Subdivision Application)
6. A septic permit (179) was granted for the guest house in 1977. The applicants are proposing to relocate the drainfield. (Sleeping Child Farms Subdivision Application)
7. The applicants are proposing individual wells and wastewater treatment facilities for Lots 2 through 5. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Sleeping Child Farms Subdivision Application and Exhibit A-6)

8. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-6, MCA 76-3-622)
9. *To mitigate impacts on the natural environment, the following requirement and condition shall be completed prior to final approval:*
 - *The applicants are required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*
 - *The applicants shall submit the appropriate permit for the relocation of the drainfield for the guest house on Lot 1 prior to final plat approval. (Condition 14)*

Surface Water Features – Borrow Pit/Pond

10. There is a borrow pit that has turned into a pond in the northern corner of Lot 2. (Sleeping Child Farms Subdivision Application)
11. There do not appear to be any ditches or surface waters feeding the pond. The water in the pond is most likely groundwater. (Sleeping Child Farms Subdivision Application, aerial photographs, Exhibit 12, and site visit)
12. At this time, the applicants are considering the use of the borrow pit to extract gravel for the construction of the internal road. (Sleeping Child Farms Subdivision Application)
13. The National Wetlands Inventory (NWI) identifies wetlands over the borrow pit/pond. The NWI data for Montana are based on color infrared aerial photographs taken between 1980 and 2005. The recommended scale is 1:24,000 or smaller. Due to the scale, the primary intended use is for regional and watershed data display and analysis, rather than specific project data analysis. (U.S. Fish and Wildlife Service National Wetlands Inventory)
14. In a letter dated October 26, 2007, the US Army Corps of Engineers stated that a permit would not be required to remove building fill material from the abandoned gravel pit to construct the internal subdivision road. (Exhibit A-9)
15. Page 5 of the Project Overview states: "At such time, or if, the property owner desires to expand the borrow pit, an Opencut Mine Permit must be applied for and obtained from the Montana Department of Environmental Quality (MDEQ) under MCA Title 84, Chapter 4 and ARM Title 17, Chapter 4." (Sleeping Child Farms Subdivision Application)
16. DNRC stated that a Notice of Completion would be required if the water within the borrow pit/pond was used for any purpose. (Exhibit 12)
17. *To mitigate the impacts of the subdivision on water issues related to the borrow pit/pond, the following conditions shall be met:*
 - *A notification of the permits that are required for any use of the borrow pit/pond shall be included in the Notifications Document. (Condition 1)*
 - *If the applicants use the borrow pit for road construction, the applicant shall submit a copy of the approved Opencut Mining Permit from DEQ or an explanation as to why the permit was not required. (Condition 12)*

Surface Water Features – Sleeping Child Creek

18. Sleeping Child Creek, its associated floodplain, riparian areas, and wetlands traverse the property. (Sleeping Child Farms Subdivision Application)
19. All components of the wastewater treatment facilities are required to be setback 100 feet from the modeled floodplain of Sleeping Child Creek. (Article 4, Section 4.2(J), Ravalli County Subsurface Wastewater Treatment and Disposal Regulations)
20. FWP reviewed the proposal and recommended the following (Exhibit A-7):
 - a) A no-build/alteration zone within 100 feet of the high water mark on each side of Sleeping Child Creek and over wetland areas.
 - b) Specific riparian covenants encouraging the development of native vegetation and discouraging actions such as grading, planting and irrigating lawns, mowing, cutting, clearing vegetation, and unrestricted livestock grazing.

21. The Ravalli County Floodplain Administrator recommended that the no-build/alteration zone be extended to the modeled floodplain boundary to mitigate impacts on the natural environment. (Exhibit A-8) (See Effects on Public Health and Safety for information on the floodplain analysis.)
22. The applicants proposed two restrictive zones, the Floodplain Inundation and Restrictive Zone (FIRZ), and the Riparian Restrictive Buffer Zone (RRBZ), on Page 2 of the Preliminary Plat. The proposed covenants outline the restrictions of each zone. (Sleeping Child Farms Subdivision Application)
23. The proposed covenants for the FIRZ state that no structures or alterations are allowed except for the following:
 - The existing cabin and picnic pad on Lot 1
 - Any agricultural uses
 - Fencing
 - Construction and maintenance of irrigation facilities
 - Continue use and maintenance of the small bridge between Lots 1 and 4
 - Picnic sites with tables
 - Activities in the borrow pit as long as the required permits are obtained
24. The proposed covenants for the RRBZ state that all of the restrictions in Finding 23 apply in addition to the following:
 - No removal of live or dead vegetation
 - Motorized access is not allowed except for weed spraying or the maintenance of the vineyard on Lot 1
 - No storing of vehicles
 - No planting lawns
 - Plant native vegetation
 - Unrestricted livestock grazing is not allowed
 - Develop off-channel watering facilities
25. To mitigate impacts on agricultural, agricultural uses should be allowed outside of the RRBZ. (*Effects on Agriculture*)
26. The applicants are proposing building envelopes for Lots 2 through 5. (Sleeping Child Farms Subdivision Application)
27. *To mitigate the impacts of this subdivision on the surface water features, the following conditions and requirements shall be met:*
 - *The 100-foot wastewater treatment facility setback shall be prominently shown on the final plat with a label in large, bold font, and the covenants shall include a provision referring to the setback. Also, the setback shall be shown on the map approved by DEQ. (Conditions 2 and 10)*
 - *The Floodplain Inundation Restrictive Zone (FIRZ), and the Riparian Restrictive Buffer Zone (RRBZ), as shown on the preliminary plat, shall be shown on the final plat. The provisions for the Restrictive Zones on Pages 6 through 9 of the proposed covenants shall be filed with the final plat, with the following modification:*

The first bullet under the FIRZ restrictions shall state: "No new structures or alterations, which includes the planting of lawns and removal of native vegetation that is not related to agricultural use, shall be allowed in the FIRZ, except for the following..." (Condition 11)
 - *Building envelopes shall be designated on the final plat, as proposed on the preliminary plat. (Final Plat Requirement 2)*

Light Pollution

28. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and

energy waste are some of the components of light pollution. (International Dark-Sky Association, www.darksky.org)

29. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

30. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated Canada Thistle, Common Tansy, Houndstongue, and Spotted Knapweed were located on the property. (Sleeping Child Farms Subdivision Application)
31. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
32. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Sleeping Child Farms Subdivision Application).
33. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Archaeological Resources

34. There are no known sites of historical significance on the property. (Sleeping Child Farms Subdivision Application)
35. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusions of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. According to the Montana Natural Heritage Program (MNHP) in January of 2007, the Bull Trout, Canada Lynx, Olive-sided Flycatcher, the Townsend's Big-eared Bat, and the Westslope Cutthroat Trout were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Sleeping Child Farms Subdivision Application)
2. The subdividers submitted waiver requests from completing sensitive species reports for all the identified species of concern. (Sleeping Child Farms Subdivision Application)
3. Due to the lack of habitat, the Planning Department granted waivers for the Canada Lynx, the Olive-sided Flycatcher, the Townsend's Big-eared Bat, and the Westslope Cutthroat Trout. The waiver was denied for the Bull Trout. (Sleeping Child Farms Subdivision File)
4. FWP submitted a letter that outlined fish studies completed on Sleeping Child Creek. The letter noted that both the Westslope Cutthroat Trout and Bull Trout were located in the Creek. FWP recommended a no-build/alteration zone within 100 feet of the high water mark of each side of Sleeping Child Creek and on the wetlands. (Exhibit A-7)
5. To meet the sensitive species report requirement, the applicants contacted Chris Clancy from FWP to determine whether or not the studies noted in the letter from FWP would suffice. In an email dated August 6, 2007, Mr. Clancy stated that he agreed with the letter and that no further

- fish sampling was required. (Sleeping Child Farms Subdivision Application)
6. The applicants proposed the RRBZ zone and a set of associated restrictions to protect the Creek and associated riparian areas. (Sleeping Child Farm Subdivision Application)
 7. The property is located within big-game winter range. (FWP)
 8. FWP recommended living with wildlife covenants for the property. (Exhibit A-7)
 9. The applicants are proposing to include the FWP-recommended covenants. (Sleeping Child Farms Subdivision Application)
 10. *To mitigate impacts on wildlife, the following conditions shall be met:*
 - *The Floodplain Inundation Restrictive Zone (FIRZ), and the Riparian Restrictive Buffer Zone (RRBZ), as shown on the preliminary plat, shall be shown on the final plat. The provisions for the Restrictive Zones on Pages 6 through 9 of the proposed covenants shall be filed with the final plat with the modification noted in Condition 11. (Condition 11)*
 - *The covenants shall include provisions that apply to the Restricted Zone. These covenants include recommendations from FWP. (Condition 2)*
 - *The covenants shall include a living with wildlife section. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Skalkaho Highway, Sleeping Child Road, and the internal subdivision road from US Highway 93. (Sleeping Child Farms Subdivision Application)
2. *The requirements and conditions listed under Roads, both off-site and on-site, in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*
3. The Ravalli County Educational Transportation Committee has requested that the BCC require that developers establish a bus shelter and a turnout land or turnaround, as appropriate, at subdivision entrances to County-maintained roads. (Exhibit A-14)
4. *To mitigate impacts on public health and safety, prior to final plat approval, the applicants shall work with the Hamilton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround should be constructed on the Sleeping Child Road frontage of the property. The applicants shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicants shall complete the improvements prior to final plat approval. (Condition 15)*

Emergency Vehicle Access and Response Time

5. The proposed subdivision will be served by the Hamilton Rural Fire Department, the Ravalli County Sheriff's Office, Ravalli County E-911, the Ravalli County Department of Emergency Services, and Marcus Daly Memorial Hospital EMS Department. (Sleeping Child Farms Subdivision Application)
6. This proposal will add approximately 10 people to Ravalli County. (Census 2000)
7. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater Treatment

8. There are three existing buildings with wastewater treatment facilities on Lot 1. All three buildings have existing septic permits. The drainfield for the guesthouse is proposed to be moved. (Sleeping Child Farms Subdivision Application)

9. The applicants are proposing individual wells and wastewater treatment facilities for Lots 2 through 5. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Sleeping Child Farms Subdivision Application and Exhibit A-6)
10. All components of the wastewater treatment facilities are required to be setback 100 feet from the modeled floodplain of Sleeping Child Creek. (Article 4, Section 4.2(J), Ravalli County Subsurface Wastewater Treatment and Disposal Regulations)
11. *The following conditions and requirements will mitigate the impacts of this subdivision on public health and safety issues related to water and wastewater treatment facilities:*
 - *The applicants are required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*
 - *The 100-foot wastewater treatment facility setback shall be prominently shown on the final plat with a label in large, bold font, and the covenants shall include a provision referring to the setback. Also, the setback shall be shown on the map approved by DEQ. (Conditions 2 and 10)*
 - *The applicants shall submit the appropriate permit for the relocation of the drainfield for the guest house on Lot 1 prior to final plat approval. (Condition 14)*

Natural and Man-Made Hazards

12. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
13. *To mitigate impacts on public health & safety, the covenants shall include a statement regarding radon exposure. (Condition 2)*
14. The preliminary plat and soils map indicate that the subdivision may have soils rated as severe for road and building construction. (Sleeping Child Farms Subdivision Application)
15. *To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for severe soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as severe for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (Condition 1)*
16. There are slopes greater than 25% located on Lots 1 through 5 of the subdivision. The applicants are proposing no-build/alteration zones on the slopes.
17. *To mitigate impacts on Public Health and Safety, the no-build/alteration zones on slopes greater than 25% are required to be shown on the final plat, as shown on the preliminary plat. A notification of the steep slopes shall be included in the Notifications Document. (Condition 1 and Requirement)*

Floodplain

18. The applicants submitted a floodplain analysis for Sleeping Child Creek. (Sleeping Child Farms Subdivision Application)
19. In a letter dated June 19, 2007, the Ravalli County Floodplain Administrator recommended conditional approval of the floodplain analysis with the following conditions:
 - a) The access to Lots 3, 4, and 5 (Vineyard View and driveways) should be designed to have 2.00 feet of freeboard or an alternate emergency access should be proposed.
 - b) Any required permits should be obtained prior to construction.
 - c) The 100-foot wastewater treatment facility setback from the modeled floodplain should be on the plat.
 - d) A no-build/alteration zone should be extended to include the modeled floodplain boundary. The construction of roads, bridges, and continued vineyard development activities should be permissible, granted the development does not impact the 100-year base flood elevation.
 - e) A no-build zone should be extended 50 feet from the modeled floodplain.

- f) Proposed residences should be elevated so that the lowest floor (including mechanical equipment) is located 2.00 feet above the 100-year base flood elevation.
- g) It is strongly recommended that the property owners obtain flood insurance.
- 20. The applicants proposed to construct the portions of Vineyard View and the driveways leading to Lots 3, 4, and 5 within the modeled 100-year floodplain to be 2.00 feet above the base flood elevation of 3,669.00 feet. (Sleeping Child Farms Subdivision Application)
- 21. The applicants submitted a copy of an application for a 310 permit and a Section 404 permit. A letter from the US Army Corps of Engineers stated that a Section 404 permit is not required. (Sleeping Child Farms Subdivision Application)
- 22. In a letter dated February 27, 2008, the Ravalli County Floodplain Administrator modified recommendations based on revisions to the floodplain analysis. The modifications are as follows:
 - a) Future lot owners should be notified that the modeled floodplain boundary is an estimate and does not account for debris, ice jams, potential changes in the hydrology of the watershed, and/or poorly maintained culverts.
 - b) The lowest enclosed floor (including all mechanical/utility equipment) should be located 3.00 feet above the 100-year base flood elevation. This recommendation was made in lieu of the original recommendation for an additional 50-foot setback from the modeled floodplain boundary.
 - c) While the bridge will be built to allow 2.00 feet of freeboard, accesses could be overtopped during a flood event. Future lot owners should be notified of this and the fact that an emergency access was not part of the design.
 - d) Permits for bridge and road development should be obtained prior to construction.
 - e) The applicants' two restrictive zones should be combined to be one restricted zone with one set of restrictions.
 - f) All components of wastewater treatment facilities must be located 100 feet from the modeled floodplain. This setback should be shown on the final plat.
 - g) The existing borrow pit/pond should be identified as wetlands on the final plat. Permits may be required for the future use of this feature.
- 23. To mitigate impacts on agriculture, agricultural uses will be allowed outside of the RRBZ. (*Effects on Agriculture*)
- 24. *To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:*
 - *The post construction road plans shall show that the portions of Vineyard View, the bridge, and the driveways leading to Lots 3, 4, and 5 have been constructed a minimum of 2.00 feet above the base flood elevation of 3,669.00 feet. (Condition 13)*
 - *The applicants are required to submit a copy of the approved 310 permit prior to final plat approval. A 318 permit may also be required. (Final Plat Requirement 22)*
 - *The 100-foot wastewater treatment facility setback shall be prominently shown on the final plat with a label in large, bold font, and the covenants shall include a provision referring to the setback. Also, ensure that the setback is shown on the map approved by DEQ. (Conditions 2 and 10)*
 - *The Floodplain Inundation Restrictive Zone (FIRZ), and the Riparian Restrictive Buffer Zone (RRBZ), as shown on the preliminary plat, shall be shown on the final plat. The provisions for the Restrictive Zones on Pages 6 through 9 of the proposed covenants shall be filed with the final plat, with the following modification:*

The first bullet under the FIRZ restrictions shall state: "No new structures or alterations, which includes the planting of lawns and removal of native vegetation that is not related to agricultural use, shall be allowed in the FIRZ, except for the following..." (Condition 11)

- *A notification of the proximity of Sleeping Child Creek that includes a recommendation that future buildings are built with the lowest enclosed floor (including mechanical/utility equipment) elevation 3.00 feet above the 100-year base flood elevation and that future lot owners obtain flood insurance shall be included in the Notification Document. The notification will explain the limitations of the model and the risk of flooding. (Condition 1)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

MAY 10 2007

IL-07-05-594
Ravalli County Planning Dept.

Hamilton
Rural Fire
DISTRICT

Post Office Box 1994 Hamilton, MT 59840

May 9, 2007

Vanessa Perry
Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840

RE: Agency comment on Sleeping Child Farms Minor Subdivision Proposal

The Hamilton Rural Fire District and the City of Hamilton Fire Chief have reviewed the subdivision proposal, based on the April 17, 2007 information received from Vanessa Parry, in regards to the District's ability to provide fire protection services.

To mitigate the impact of the subdivision on the Hamilton Rural Fire District's ability to provide fire protection, and in keeping with our Fire Protection Standards, we request that:

- 1) All buildings are built to IRBC code, and
- 2) All roads within the subdivision are constructed to County standards without any variances.

If the subdivision is designed to the Fire Protection Standards of the Hamilton Rural Fire District we find no negative effects to the provision of adequate fire service protection to the subdivision.

The Hamilton Rural Fire District's approval is subject to reconsideration or withdrawal if there are other variances, if the information provided is incomplete in any way, or if there are modifications to the proposal that alter the level of fire service protection required or the ability of the Hamilton Rural Fire District to provide adequate fire service protection.

Sincerely,



Lisa Wade
Secretary

SEP 13 2005

Ravalli County Planning Dept.

IC-05-09-1707

Hamilton Rural Fire DISTRICT

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation

Renee Lemon

From: David Ohnstad
Sent: Tuesday, February 19, 2008 4:03 PM
To: John Lavey
Cc: Renee Lemon; 'Duncan Jakes'
Subject: FW: Sleeping Child Farms
Attachments: Prelim Review Completion 021308.pdf

John -

We will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design. Noted specifically is the requirement for bridge design and hydraulic analysis at Sleeping Child Creek.

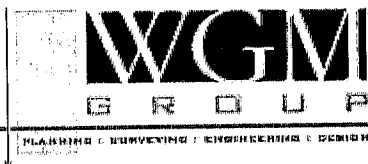
David

DAVID H. OHNSTAD
 COUNTY ROAD SUPERVISOR
 RAVALLI COUNTY, MONTANA

From: Cindy Kuns [mailto:CKuns@wgmggroup.com]
Sent: Wednesday, February 13, 2008 1:51 PM
To: David Ohnstad
Subject: Sleeping Child Farms

Our office has completed the preliminary review for the above-referenced project. Please find the completion memo attached. A hard copy with all referenced attachments will be mailed.

Cindy Kuns
Project Assistant



P.O. Box 16027 • 3021 Palmer Street
 Missoula • Montana • 59808
 E-mail: CKuns@wgmggroup.com
 406-728-4611 x126 • FAX: 406-728-2476

<http://www.wgmggroup.com>



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MISSOULA, MT 59808-6027
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FAX: 406-728-2476
WWW.WGMGROUP.COM

MEMORANDUM

DATE: February 13, 2008
TO: David Ohnstad, Ravalli County Road & Bridge Department
FROM: Jonathan L. Gass, P.E.
RE: Sleeping Child Farms Preliminary Review Completion

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Department.

Preliminary comments were sent to the design engineer in accordance with Steps 6 and 7 of the RCRBD's Schedule of Activities. We are now sending this letter to your office in accordance with Step 8 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group, dated 7/5/07
- 2) Preliminary comment response from design engineer, dated 1/18/08

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



3021 Palmer • PO Box 16027 • Missoula, MT 59808-6027

ENGINEERING
SURVEYING
PLANNING

Phone: (406)728-4611
Fax: (406)728-2476
www.wgmgroup.com

DATE: July 5, 2007
TO: Vanessa Perry, Ravalli County Planning Department
CC: Tom Hanson, PE, Professional Consultants, Inc.
FROM: Jonathan L. Gass, P.E.
RE: Sleeping Child Farms Preliminary Review Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has completed a review of the preliminary grading and drainage plans and reports submitted for the above-referenced project. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

Roadways

1. Please provide contour labels on road and grading plans and re-submit.
2. Please modify the return radii at the intersection of Vineyard View and Sleeping Child Road to 25 feet per AASHTO 2004 "Green Book", Exhibit 9.21.
3. The 18-foot paved road width does not allow parking. No parking signs may be required at final design.
4. A pavement design will be necessary for the final design review.
5. A detailed bridge design and hydraulic analysis of Sleeping Child Creek will be required for the review of the final plans for construction.
6. A county approach permit will be required for Vineyard View.

Storm Drainage

1. Calculations for culvert sizes will be required for review of the final plans for construction.
2. Detailed plans for the retention basins will be required for the review of the final plans for construction.

Professional Consultants Inc.
Unmatched Experience. Uncompromising Standards.



Missoula Office
3115 Russell Street • PO Box 1750 • Missoula, Montana 59806
406-728-1880 • fax 406-728-0276

Hamilton Office
1713 N. First Street • Hamilton, Montana 59840
406-363-1201 • fax 406-363-1215

January 18, 2008

WGM Group
Attention: Jonathan L. Gass, P.E.
3021 Palmer
P.O. Box 16027
Missoula, MT 59808-6027

RE: Sleeping Child Farms – Vineyard View
Preliminary Road Plans - Resubmittal

Mr. Gass,

Enclosed are preliminary road plans of Vineyard View for the proposed Sleeping Child Farms Subdivision off of Sleeping Child Road. In response to a letter dated July 5, 2007 from WGM, we are submitting the plans with the following revisions:

1. Contour lines have been provided.
2. Return radii at the Vineyard View/Sleeping Child Road intersection has been changed to 25'.
3. No Parking signs have been proposed.
4. Pavement design, detailed bridge design, culvert sizes and retention basin design will be provided with final road plans. A hydraulic analysis has been submitted and accepted by RCPD.

Please let me know if you need any additional information for your review or if you have any questions.

Sincerely,

PROFESSIONAL CONSULTANT, INC.

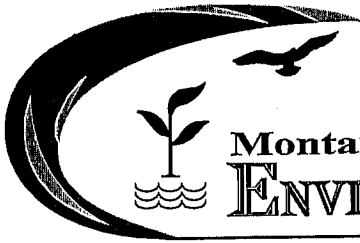
Duncan Jakes / EIT
Duncan Jakes, EIT

Enclosed: Prelim Road Plans – (2) D-size, (2) 11x17

Cc: RCRBD, Attn: David Ohnstad

RECEIVED
JAN 21 2008

WGM GROUP, INC

**Montana Department of
ENVIRONMENTAL QUALITY**

Brian Schweitzer, Governor

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

November 9, 2007

Dear Interested Party:

The U.S. Environmental Protection Agency (EPA) recently revised the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The NAAQS are nation-wide air quality standards established to protect the public from unhealthy levels of air pollution. EPA's revised PM NAAQS took effect on December 18, 2006.

The Montana Department of Environmental Quality (DEQ) evaluated air quality monitoring data across the state and determined that Missoula, Lincoln, and Ravalli Counties fail to meet the PM NAAQS. The Governor is required to notify EPA of all counties violating the PM NAAQS by December 18, 2007. EPA is then required to take final action on the Governor's recommended "nonattainment area" list by December 18, 2008 and officially confirm their status as nonattainment areas. As a consequence of EPA designation of nonattainment, Congress directs states to submit a federally enforceable air pollution control plan to EPA for approval.

In Ravalli County, new air quality regulations on motor vehicles, wood stoves, open burning, and industrial operations must be developed and will likely affect many county residents. Proactively, DEQ would like to work with local governments, the potentially regulated community, and other interested parties to identify and develop the new regulations to control the sources of particle matter air pollution in Ravalli County. DEQ representatives will hold the initial meeting with interested parties in the Ravalli County Commission meeting room on Wednesday, December 12, 2007 from 1 to 3 PM.

If you have any questions, please contact me or Bob Habeck (bhabeck@mt.gov or 444-7305). Please feel free to copy and distribute this notice to any parties you believe might be interested in this matter. Thank you for your efforts in protecting Ravalli County's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
Montana Dept. of Environmental Quality
POB 200901 Helena, MT 59620-0901
Voice (406)444-5280; fax 444-1499
rjeffrey@mt.gov

SUBDIVISION APPLICATION PACKET CHECKLIST - Water and Sanitation

Name of Subdivision: *SLEEPING ALICE FARM*

APR 16 2007

Subdivider/Landowner Name(s): *MAX COLEMAN*JC-07-04-407
Ravalli County Planning DepConsultant Name: *RCI*Date Received: *4-13-07*

Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
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(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.

<input checked="" type="checkbox"/>			Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.	
<input checked="" type="checkbox"/>			(a) Vicinity Map or Plan	
<input checked="" type="checkbox"/>			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
<input checked="" type="checkbox"/>			(A) flood plains	
<input checked="" type="checkbox"/>			(B) surface water features	
<input checked="" type="checkbox"/>			(C) springs	
<input checked="" type="checkbox"/>			(D) irrigation ditches	
<input checked="" type="checkbox"/>			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
<input checked="" type="checkbox"/>			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
<input checked="" type="checkbox"/>			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
<input checked="" type="checkbox"/>			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
<input checked="" type="checkbox"/>			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
<input checked="" type="checkbox"/>			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

Yes	No	N/A	Item	Additional Information/Staff comments
/			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
/			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
/			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
/			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
/			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
/			(i) obtained from well logs or testing of onsite or nearby wells;	
/			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
/			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
/			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
/			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

Morgan Jewell B



EXHIBIT A-7

Montana Fish, Wildlife & Parks

Region 2 Office

3201 Spurgin Road

Missoula, MT 59804-3101

406-542-5500

Fax 406-542-5529

July 5, 2007

Chris Cobb-Taggart

PCI

1713 N. 1st St.

Hamilton, MT 59840

Reference: Sleeping Child Farms--Proposed minor (5 lots on 34.0 acres, 4.1-9.0 acres each) subdivision--6 miles SSE of Hamilton

Dear Ms. Cobb-Taggart:

We have reviewed the preliminary plat (dated 4-12-07), topographic vicinity map, and covenants for this proposed subdivision, and our comments follow.

Fisheries & Riparian

FWP fisheries biologists have collected quite a bit of information in the Sleeping Child Creek drainage over the years. The closest reach of Sleeping Child Creek that we have sampled was in 1993 near the mouth of Little Sleeping Child Creek. (Little Sleeping Child Creek joins Sleeping Child Creek about one-fifth mile downstream from this proposed subdivision.) Brook trout and westslope cutthroat trout are the most abundant salmonids in this sampled reach. There are lesser numbers of rainbow, brown and bull trout. Changes may have taken place since our data were collected in 1993.

Upper Sleeping Child Creek supports a significant number of bull trout, but in our 1993 sample of 1000 feet of lower Sleeping Child Creek, we captured only one bull trout. We do not catch all of the fish during sampling, but this sample indicates that bull trout are uncommon in this reach. A student from Montana State University studied bull trout in a few Bitterroot Valley streams and completed a master's thesis in 1999; Sleeping Child Creek was one of the study streams. He concluded that Sleeping Child Creek still supports a migratory (migrates between the Bitterroot River and upper Sleeping Child Creek) life form of bull trout. This is significant and calls for special precautions to minimize impacts to the instream habitat, water quality and temperature of the stream.

In light of the potential importance of Sleeping Child Creek to area fisheries, we offer the following:

1. We recommend the "no build zone" be increased to extend a minimum of 100 feet outward from each the high-water mark on *each* side of the creek. This zone is wider in the eastern portion of the subdivision to accommodate the wetlands area indicated on the plat.
2. We recommend the "no build zone" be renamed the "no build/alteration zone, and that this be indicated on the plat.
3. While certain activities such as road crossings, weed spraying, nonmotorized trails and minor recreational impacts would be allowed, this streamside zone should be managed to maintain a natural condition as much as possible. Encouraging the development of native vegetation (including shrubs and trees)--while *discouraging* actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and unrestricted livestock grazing--would help preserve the functionality of the creek and its riparian areas for fisheries, as well as protect and improve wetland vegetation, enhance slope stability, and protect property from eroding banks and possible flooding. Enclosed is our recommended version of riparian covenants for this subdivision.

Wildlife

Wildlife species such as deer, moose, coyote, fox, raccoon and skunk, as well as black bear and possible mountain lion and wolf, could be expected in this area. Numerous small mammal and bird species would also be found nearby, many associated with Sleeping Child Creek's riparian vegetation. There is an increased probability of human/wildlife conflict at this location--particularly with black bear and deer--if residents do not pay attention to careful handling of garbage, garden/orchard produce, birdseed and other wildlife "attractants," as well as controlling their pets.

1. We appreciate that the developer is recommending a version of our "living with wildlife" covenants for this subdivision, in order to help future residents deal with and avoid potential wildlife issues. We would like to offer a few changes, and therefore recommend substituting our enclosed version--specific to this location--for those currently proposed by the developer.
2. Of particular note is our recommended wildlife covenant (subsection c) that recommends that homeowners keep garbage indoors--hence, unavailable to bears--except on days of garbage collection. Alternatively, if garbage is stored outdoors it should be in bear-resistant containers.
3. Also, due to the proposed vineyard at this location, we urge residents to pay particular attention to covenant "b," which relates to the potential need for electric fencing to exclude bears from fruit trees/shrubs in areas where they could become a problem due to these "attractants."

Thank you for providing the opportunity for FWP to comment on this subdivision. (Please contact Sharon Rose at 542-5540 or shrose@mt.gov if you wish to receive an electronic version of these comments.)

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

C: Ravalli County Planning Department, Attn: Vanessa Perry, 215 S. 4 St., Ste. F, Hamilton, MT 59840

Covenants for Sleeping Child Farms (Coleman) minor subdivision, recommended by Montana Fish, Wildlife & Park; Missoula; July 5, 2007

Section __: No-build/Alteration Zone and Buffer Zone along Sleeping Child Creek

Healthy, naturally functioning riparian areas benefit fish and wildlife, as well as agriculture and recreation. The goal of the "no build/alteration zone" to the north of Sleeping Child Creek is to help preserve the water quality and functionality of this stream, protect and enhance the fisheries and riparian areas, and protect property from eroding banks and possible flooding. Encouraging the development of native vegetation (including shrubs and trees)--while discouraging actions such as grading, planting and irrigating lawns, mowing or cutting or clearing vegetation, and unlimited livestock grazing--would help preserve the functionality of this creek and its fisheries, protect and improve vegetation, enhance slope stability, and protect property from eroding banks and possible flooding.

The "No Build/Alteration Zone" is depicted on the plat: it is the areas extending 100 feet outward from each side (high-water mark) of Sleeping Child Creek, in addition to the wider wetland areas indicated along the eastern portion of this creek as it flows east to west through the subdivision. These zones and the creek are protected by the following covenants (restrictions) to help avoid damage to the stream and its riparian areas, as well as enhancing these areas:

- a. No new building or alteration is allowed in the zones.
- b. Only non-motorized access and use of the zones is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the zones. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns in the zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- a. In general, keep livestock out of Sleeping Child Creek and do not include the creek in corrals. In the riparian buffer zone, manage grazing intensity, vary season and length of use, and allow rest for the area in order to encourage riparian plant growth and stream protection. Alternatively, develop off-stream watering facilities (e.g., water troughs) for livestock, and use fences to keep livestock from trampling and grazing riparian vegetation in the buffer zone.

- f. Development of off-channel watering facilities cannot include water from Second Creek if the lot(s) does not have valid water rights to the stream. If no water rights exist for, or have not been transferred to the property, then water cannot be diverted from the creek for any use. Residents should consult with the Montana Department of Natural Resources for questions on water rights.
- g. It is illegal to modify the streambed or streambanks of a perennial stream without a "310" permit (Montana Natural Streambed and Land Preservation Act). Any stream crossings need to follow all local and/or state regulations relative to bridge/culvert construction materials/methods. Certain other actions near the river and/or creek may require state and/or federal permit(s). Contact the Mineral Conservation District office in Superior for further information.
- h. In summary, allow riparian areas--the creek and its buffer zones--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- i. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Section __: Wildlife

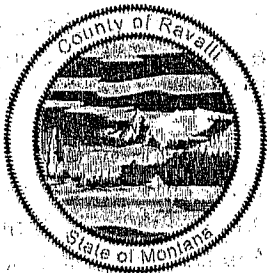
Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, elk, moose, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. *To keep wildlife such as bears out of gardens and/or away from fruit trees and shrubs, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)*
- c. **Garbage** should be stored in secure bear-resistant containers or indoors to avoid attracting and discourage entry by wildlife such as bears and raccoon. If stored indoors, do not set garbage cans out until the morning of garbage pickup and bring them in no later than that evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.

- e. **Birdseed in bird feeders** attracts bears. If used, bird feeders must: 1) be suspended a minimum of 15 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent, outdoor barbecues grills should not be used in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- 1. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

EXHIBIT A-8



Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
Phone 406-375-6530
Fax 406-375-6531
planning@ravallimontana.gov

OG-07-06-693

June 19, 2007

Duncan Jakes, El
Professional Consultants, Inc.
1713 N First St
Hamilton, MT 59840

RE: Floodplain Analysis for Sleeping Child Farms, Sleeping Child Creek
Parcel #747800, Geocode #1367-32-4-01-05-0000
Sec. 32, T5N, R20W

Dear Mr. Jakes,

We have completed our review of the floodplain analysis according to Section 3-1-5 (a) (xi) of the effective Ravalli County Subdivision Regulations for the above proposed subdivision. In consultation with Larry Schock, Regional Engineer for the Department of Natural Resources and Conservation (DNRC), we agree with his statement that the HEC-RAS model provides a "reasonable delineation" of the 100-year floodplain for this reach of Sleeping Child Creek. We therefore recommend conditional approval of the floodplain analysis for Sleeping Child Creek for the Sleeping Child Farms Subdivision. The following conditions are suggested to mitigate impacts to public health and safety and the natural environment.

Although the proposed bridge over Sleeping Child Creek meets the two (2) foot freeboard requirement, the HEC-RAS model indicates that the approaches to the bridge are well below the modeled 100-year floodplain elevation. During a flood event, floodwaters would undoubtedly overtop the proposed Vineyard View Road, cul-de-sac and driveway inhibiting access to and from lots 3, 4 and 5 in the proposed subdivision. This access, as designed, poses a considerable hazard for future homeowners and emergency services. Since the only access to the southern lots may be inundated during a flood event, it is critical that this access be re-designed to have two (2) feet of freeboard or an alternative emergency access be designed for rescue personnel and evacuation purposes.

Several permits including but not limited to the 310 permit, 404 permit and 318 permit may be necessary for bridge construction and should be acquired before construction activities commence.

The building envelopes provided on the preliminary plat are located outside of the modeled floodplain; however the proposed septic systems may be required to be setback 100 feet from the floodplain. The Ravalli County Environmental Health Department should be contacted accordingly.

To mitigate the impacts to the natural environment and reduce the need for costly bank stabilization projects we recommend that the "no build zone" delineated on the preliminary plat dated April 4, 2007 be extended to include the modeled floodplain and be revised to a "no build/alteration zone". The construction of roads, bridges and continued vineyard development activities would be permissible within this no build/alteration zone granted that the development does not impact the 100-year base flood elevation. Riparian vegetation within this zone shall be retained in its natural condition.

To minimize the impacts to public health and safety and to account for the numerous warning

messages in the hydraulic model as well as ice jams and other blockages inherent to this channel type, we recommend an extended "no build zone" of 50 feet from both sides of the modeled floodplain. This setback is necessary to ensure that any proposed residences or other structures are reasonably safe from flooding.

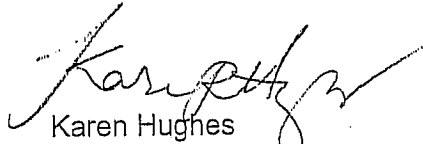
It is further suggested that the proposed residences be elevated so that the lowest floor (including mechanical equipment) is located two (2) feet above the 100-year base flood elevation. Although the property is not located in a FEMA mapped floodplain, given the proximity to the floodplain, it is strongly recommended that the property owners obtain flood insurance. (The opportunity to obtain discounted flood insurance is a privilege of the citizens of Ravalli County as standard homeowner's insurance policies do not cover flood damages.)

If you have any questions, please feel free to contact our office.

Sincerely,



Laura Hendrix, CFM
Ravalli County Floodplain Administrator



Karen Hughes
Ravalli County Planning Director

Cc: Correspondence File – General
Floodplain Waiver/Analysis File
Vanessa Perry, Ravalli County Planner
Larry Schock, DNRC
Morgan Farrell, Environmental Health Department



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA MT 59626

REPLY TO
ATTENTION OF

October 26, 2007

Helena Regulatory Office
(406) 441-1375 Phone
(406) 441-1380 Fax

RECEIVED

OCT 30 2007

☒ Scanned
PCI

Subject: Corps File Number NWO-2007-1973-MTH
New Bridge Construction
No Permit Required

Mr. Max and Ms. Darla Coleman
1641 Sleeping Child Road
Hamilton, Montana 59840

Dear Mr. & Mrs. Coleman:

Reference is made to your request for Department of Army (DA) authorization to construct a new private road and bridge across Sleeping Child Creek south of the community of Hamilton. You may also be removing some road building fill material from an old abandoned gravel pit on your property. The proposed work is south of Sleeping Child Road in the NE¼ of Section 32, Township 5 North, Range 20 West, Ravalli County, Montana.

Under the authority of Section 404 of the Clean Water Act, Department of the Army permits are required for the discharge of fill material into waters of the United States. Waters of the United States include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters.

Based on the information you initially provided that no fill will be placed in jurisdictional waters, the Corps made a preliminary determination that no Department of Army permit is required for the proposed action.

If you have any questions regarding this determination please contact Todd Tillinger of my staff at (406) 441-1375, and reference Corps File Number NWO-2007-1973-MTH.

Sincerely,

Vicki Sullivan
Allan Steinle
Montana Program Manager

Copy Furnished:

Mr. Donny Ramer
Professional Consultants Inc.
1713 North First Street
Hamilton, Montana 59840

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
MISSOULA WATER RESOURCES REGIONAL OFFICE

EXHIBIT A-10

APR 24 2007

IC-07-04-517
Ravalli County Planning Dept.

1610 S. 3RD STREET W., SUITE 103
P.O. BOX 5004



BRIAN SCHWEITZER
GOVERNOR

STATE OF MONTANA

(406) 721-4284
FAX (406) 542-1496

MISSOULA, MONTANA 59806-5004

April 23, 2007

Vanessa Perry
Ravalli County Planning Dept
215 South 4th Street; Suite F
Hamilton, MT 59840

RE: Proposed Sleeping Child Farms Minor Subdivision
Section 32 T5N R20W

Dear Ms. Perry:

Thank you for the opportunity to comment on the above listed proposed subdivision.

Water Right records indicate that a portion of the proposed subdivision area overlaps with the place of use for irrigation water right 76H 20025 (abstract attached). The requirements of 76-3-504(i) MCA must be met. To paraphrase, this statute requires a water use agreement administered through a single entity, or requires the surface water rights to be reserved and severed.

If you have any questions or comments, I can be reached at 721-4284 or e-mail at bischultz@mt.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Schultz", with a long horizontal line extending to the right.

Bill Schultz
Regional Manager

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1801
GENERAL ABSTRACT

Water Right Number: 76H 20025-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: TERRY M COLEMAN
442 ARROW HILL DRIVE
HAMILTON, MT 59840
DARLA M COLEMAN
442 ARROW HILL DRIVE
HAMILTON, MT 59840

Priority Date: DECEMBER 31, 1872
Enforceable Priority Date: DECEMBER 31, 1872

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Maximum Flow Rate: 336.60 GPM

Maximum Volume:

Maximum Acres: 27.00

Source Name: SLEEPING CHILD CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1.		SWSWNE	32	5N	20W	RAVALLI

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: PUMP

2		SWNWSW	34	5N	20W	RAVALLI
---	--	--------	----	----	-----	---------

Period of Diversion: MAY 1 TO SEPTEMBER 30

Diversion Means: HEAD GATE

Ditch Name: WALLEN-TULLOCK-SEE DITCH

DITCH NAME FOR DIVERSION NO. 2 IS: WALLEN-TULLOCK-SEE DITCH

Purpose (Use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD
Climatic Area: 2 - MODERATELY HIGH
Period of Use: MAY 1 to SEPTEMBER 30
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	27.00		SWNE	32	5N	20W	RAVALLI
Total:	27.00						

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 01/29/92: MAXIMUM ACRES, PLACE OF USE.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE RAVALLI COUNTY WATER RESOURCES SURVEY FIELD NOTES (1956) INDICATE THAT THE PORTION OF THE CLAIMED PLACE OF USE LYING SOUTH OF SLEEPING CHILD CREEK, COMPRISING ABOUT 10 ACRES, WAS HISTORICALLY IRRIGATED BY THE CLAIMED FILED APPROPRIATION RIGHT. THE FIELD NOTES INDICATE THAT THE AREA LYING SOUTH OF THE CREEK WAS HISTORICALLY IRRIGATED BY THE BAKER-WALLEN FILED APPROPRIATION RIGHT, DATES 2/28/95. SEE CLAIM FILE FOR ADDITIONAL INFORMATION.

WATER RIGHT OWNERSHIP UPDATE RECEIVED 02/28/00.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE ID # 29021 RECEIVED 01/05/2006.

July 22, 2007

Vanessa Perry
Planning Department
215 S 4th Street, Suite F
Hamilton, MT 59840

RECEIVED
JUL 25 2007
07-07-922
Ravalli County Planning Dept.

Subject: Sleeping Child Farms, Minor Subdivision

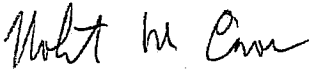
Dear Vanessa:

Thank you for providing the Ravalli County Parks Board with information and a preliminary plat for Sleeping Child Farms, Minor Subdivision. This subdivision proposes 5 lots on 34 acres.

Because the lot size exceeds five acres, this proposal does not require a park dedication. We do support protecting the wetlands and Sleeping Child Creek from disturbance.

Please don't hesitate to contact us further if there are questions.

Sincerely,



for Gary Leese
Chairperson
Ravalli county Parks Board

Renee Lemon

From: Renee Lemon
Sent: Monday, February 25, 2008 4:28 PM
To: 'bischultz@mt.gov'
Subject: Sleeping Child Farms Pond Question
Attachments: Sleeping Child Farms P1.pdf; Sleeping Child Farms P2.pdf

Hi Bill,

Attached are pages 1 and 2 of the preliminary plat. The borrow pit/pond is located in the northern corner of Lot 2 just south of Sleeping Child Road. The question is whether or not the developer needs a water right for the existing borrow pit/pond.

Thanks,

*Renee M. Lemon
Ravalli County Planning Department
215 S. Fourth St., Suite F
Hamilton, MT 59840
(406)375-6530*

Phone conversation with Patrick Ryan, DRNC, February 27, 2008
By: Renee Lemon

Patrick stated that there was not currently a water right for the gravel pit/pond on record at the DRNC. He asked if there were any ditches or surface waters feeding the pond. I replied that I did not see any on the aerial photo or on my site visit. He stated that if the gravel pit/pond was used as a gravel pit in the future, no water right would be required. He also stated that if the water in the gravel pit/pond was used for any purpose in the future, then the future lot owner would need to acquire a Notice of Completion with DRNC because the amount of water used would most likely be less than 35 gallons a minute with an annual volume less than 10 acre-feet. In addition to the Notice of Completion, if a future lot owner wanted to stock the pond with fish, a permit would be required from FWP.

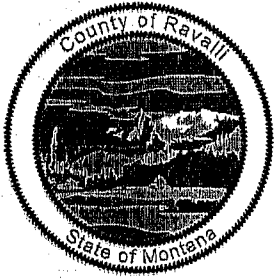


EXHIBIT A-13

Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840
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OG-08-02-166

MEMO

Date: February 27, 2008

To: Renee Lemon, Ravalli County Senior Planner

From: Laura Hendrix, Ravalli County Floodplain Administrator *LH*

RE: Final Recommendations - Floodplain Analysis
Sleeping Child Farms Subdivision, Sleeping Child Creek
Parcel #747800, Geocode #1367-32-4-01-05-0000

Thank you for the opportunity to comment on the above proposed subdivision. After reviewing multiple revised variations of the floodplain analysis and associated flood hazard maps submitted by the applicant, I offer the following comments and final recommendations:

1. While the final HEC-RAS model provides a reasonable delineation of the 100-year floodplain for this reach of Sleeping Child Creek, the modeling does not take into account debris or ice jams that are common in this drainage. Additionally, hydrologic and hydraulic modeling does not consider changes in the basin's hydrology nor does it regard the potential for unmaintained culverts to become ineffective if they fill with debris. Since the model provides only a conservative estimate of the flood hazard area, I recommend that the proposed buildings be elevated so that the lowest enclosed floor (including all mechanical/utility equipment) is located three (3) feet above the 100-year base flood elevation. [This recommendation is made in lieu of my original recommendation for a no build/alteration zone setback 50 foot from the floodplain.]
2. Although the applicant indicates that the proposed bridge over Sleeping Child Creek allows two (2) feet of freeboard, the potential property owners should be notified that the approaches and driveways could be overtopped during a flood event and that an alternative emergency access has not been designed for rescue personnel and evacuation purposes. Future property owners should obtain flood insurance to mitigate potential losses to property.
3. Permits acquired for bridge and road development (including but not limited to 310, 404 and 318 permits) should be obtained before construction activities commence and copies of approved permits should be put on record as part of the subdivision review file.
4. The applicant's proposed "Flood Inundation and Restrictive Zone (FIRZ)" and "Riparian Restrictive Buffer Zone (RRBZ)" are similar in location and description. The two zones should be combined into one single "Restrictive Zone" to avoid confusion to future property owners. Additionally, the proposed FIRZ and RRBZ language should be combined into one document to clearly indicate what types of developments are allowed within the Restrictive Zone. The construction of buildings (especially residential structures) must be prohibited within this zone.
5. All components of the proposed septic systems (including any relocated components) must be

setback 100 feet from the modeled 100-year floodplain boundaries to meet the requirements of the Ravalli County Subsurface Wastewater Treatment and Disposal Regulations. The 100-foot septic setback must be shown on the plat and notification of this requirement should be included in the Notifications Document to ensure compliance with the aforementioned regulations.

6. The existing borrow pit/pond located at the northwestern corner of the parcel should be identified as wetlands on the plat. Several permits may be required if excavation or alteration of the pit/pond is proposed.

Each of the above recommendations should be included in the Notifications Document and on the Preliminary and Final Plat as appropriate so that future property owners are adequately notified of the flood hazard risks.

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Ravalli County Commissioners

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October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ernie Jean Eddy", is written over a large, loopy flourish.

Ernie Jean Eddy
County Superintendent

SOILS EXHIBIT

**PRIME FARMLAND SOILS IN RELATION TO
FLOOD INUNDATION RESTRICTIVE (FIRZ) AND
RIPARIAN RESTRICTIVE BUFFER (RRBZ) ZONES**

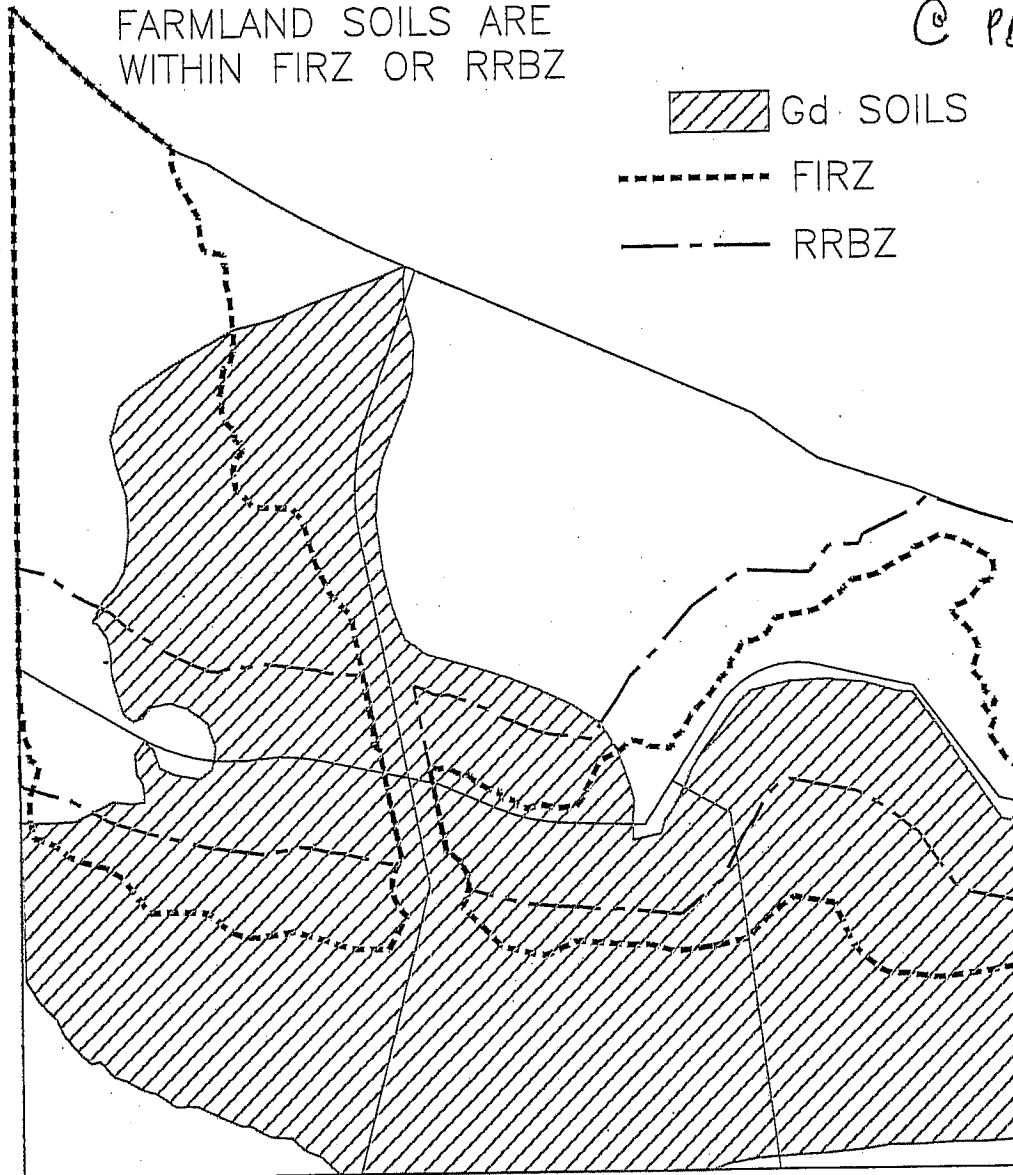
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Ravalli County Planning Dept.
Public Hearing

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@ PB

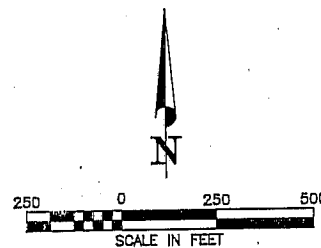
47% OF PRIME
FARMLAND SOILS ARE
WITHIN FIRZ OR RRBZ



Professional Consultants Inc.
Engineers. Surveyors. Planners. Mappers.

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PCI PROJECT 7780-06
MARCH, 2008